

# **EXHIBIT A**

**From:** Legal Support <legal-support@github.com>  
**Sent:** Wednesday, June 14, 2023 5:21:35 PM  
**To:** Legal Support <legal-support@github.com>  
**Cc:** Soldon, Emma E. <ESoldon@foley.com>; Lee, Laura J. <LJLee@foley.com>; Kopp, Jeff <JKopp@foley.com>; Miller, Vanessa L. <VMiller@foley.com>  
**Subject:** Re: In Re DMCA Subpoena to Github, Inc. USDC Northern District of CA C23-MC-80164LJC

**\*\* EXTERNAL EMAIL MESSAGE \*\***

Hi Emma,

I wanted to get clarity if you are going to be providing an NDO. We will only honor a non-disclosure order from a court, not a request not to disclose. With that, we need to give account holders a minimum of 1 week to have time to object should they choose to do so. With that, I need to know where we are standing in terms of an NDO and to have it in our file to move forward. Please let us know soon.

Best,  
GitHub Staff

On Wednesday, June 14, 2023 at 10:14:38 AM UTC-7 Soldon, Emma E. wrote:

Hello,

Will you please confirm that GitHub will be providing the information requested in the subpoena by the response deadline (this Friday, June 16, 2023 at 10AM)? In order to expedite this process, we would prefer that GitHub provide the information via email to [jkopp@foley.com](mailto:jkopp@foley.com), [vmiller@foley.com](mailto:vmiller@foley.com), and [esoldon@foley.com](mailto:esoldon@foley.com), all of whom are copied on this email.

Looking forward to hearing from you.

Thanks,

Emma

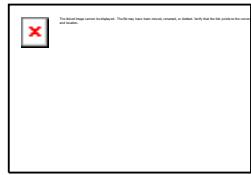
**Emma E. Soldon**

*Associate*

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**From:** Soldon, Emma E.

**Sent:** Tuesday, June 13, 2023 3:51 PM

**To:** Legal Support <[legal-support@github.com](mailto:legal-support@github.com)>

**Cc:** Lee, Laura J. <[LLee@foley.com](mailto:LLee@foley.com)>; Kopp, Jeff <[JKopp@foley.com](mailto:JKopp@foley.com)>; Miller, Vanessa L. <[VMiller@foley.com](mailto:VMiller@foley.com)>

**Subject:** RE: In Re DMCA Subpoena to Github, Inc. USDC Northern District of CA C23-MC-80164LJC

Hello,

Yes, that is correct, we are requesting that you do not disclose to the user/account holder that the subpoena exists. Accordingly, when we requested that the court issue the subpoena, we requested that GitHub not provide the infringer(s) with advance notice. (See Nexteer's Request for Issuance of Subpoena, at 2:27 & n.1, attached.) Although we do not have a specific NDO, the court subsequently issued the subpoena based on the attached request.

Best,

Emma

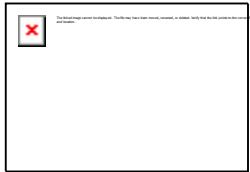
**Emma E. Soldon**

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**From:** Legal Support <[legal-support@github.com](mailto:legal-support@github.com)>

**Sent:** Tuesday, June 13, 2023 2:01 PM

**To:** Legal Support <[legal-support@github.com](mailto:legal-support@github.com)>

**Cc:** Lee, Laura J. <[LLee@foley.com](mailto:LLee@foley.com)>; Soldon, Emma E. <[ESoldon@foley.com](mailto:ESoldon@foley.com)>; Kopp, Jeff <[JKopp@foley.com](mailto:JKopp@foley.com)>; Miller, Vanessa L. <[VMiller@foley.com](mailto:VMiller@foley.com)>

**Subject:** Re: In Re DMCA Subpoena to Github, Inc. USDC Northern District of CA C23-MC-80164LJC

**\*\* EXTERNAL EMAIL MESSAGE \*\***

Hi Laura,

This email is a confirmation that we have received your request. My understanding from previous correspondences is that you are not wanting users to be notified, are you able to provide us with an NDO?

Best,  
GitHub Staff

On Tuesday, June 13, 2023 at 1:24:36 PM UTC-7 Lee, Laura J. wrote:

Counsel:

Please see attached courtesy copy of [4] Subpoena to Produce Documents, Information, Or Objects Or to Permit Inspection Of Premises In A Civil Action with Attachment A, which was re-issued by the court in the above matter today. Thank you.

**Laura J. Lee**  
*Assistant*

**Foley & Lardner LLP**  
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**From:** Lee, Laura J.  
**Sent:** Tuesday, June 13, 2023 11:00 AM  
**To:** [legal-support@github.com](mailto:legal-support@github.com)  
**Cc:** Soldon, Emma E. <[ESoldon@foley.com](mailto:ESoldon@foley.com)>; Kopp, Jeff <[JKopp@foley.com](mailto:JKopp@foley.com)>; Miller, Vanessa L. <[VMiller@foley.com](mailto:VMiller@foley.com)>  
**Subject:** In Re DMCA Subpoena to Github, Inc. USDC Northern District of CA C23-MC-80164LJC

Counsel:

Please see attached courtesy copy of Subpoena to Produce Documents, Information, Or Objects Or to Permit Inspection Of Premises In A Civil Action for the above matter. Thank you.

**Laura J. Lee**

*Assistant*

**Foley & Lardner LLP**

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